

COBBETT'S WEEKLY POLITICAL REGISTER.

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"MR. CHARLES ADAMS ridiculed the idea of attributing the changes that were gradually taking place in the mode of military punishments to the writings of MR. COBBETT. He did not know what might have been the military education of that person, but he believed that if it had been of that kind that subjected offenders to the wholesome fear of THE LASH, Mr. Cobbett might not only have escaped many awkward predicaments into which he subsequently fell, but might have been now dwelling IN OTHER LODGINGS than those which he had then provided for himself. (A GENERAL LAUGH.)"—Extract from the Report of the Debate, in the Honourable House, on the 13th March, 1812.

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SUMMARY OF POLITICS.

FLOGGING SOLDIERS.—The passage, which I have taken for my motto, which is taken from the Morning Chronicle, has been reported in the TIMES, thus:

"MR. CHARLES ADAMS argued generally against the clause. In allusion to what had fallen the other night, from an Honourable and Learned Gentleman, (Mr. Brougham), he wished to say that Mr. Cobbett did not deserve the praise bestowed upon him. He did not know what might have been the military education of Mr. Cobbett, but he was inclined to imagine, that, if the discipline of the lash had been prevalent where he had served, that person might have been afterwards saved from another species of punishment."

—Now, as to the wit of this Mr. Charles Adams, which, it seems, excited "a general laugh" in the Honourable House; as to the bravery manifested on the occasion; upon these points I need say not a word; the public in this country have already decided upon them, and, I am sure, that, in every other part of the world, barely to see or hear the words will be quite sufficient.—As to the fact of my having had some share in producing what has been called a diminution of the quantity of flogging in the army, I discussed it in my last, and to what I there said I must beg leave to refer the reader.—But, this Mr. Adams, whom I neither know nor can find any one who does know him, has taken this occasion to inculcate the utility of extending the use of the lash. He seems to think, and, indeed, he says, that, if flogging had made part of my education, it might have prevented my now being in jail, or, as he so wittily calls it, my "lodging." This is nothing short of insisting on the utility of the universal application of the lash; for, this man, courageous as he is, will hardly contend, that the doctrine is applicable

to me alone. In order, therefore, to prevent men from writing and publishing what are called *libels*, they should, according to this brave man's notion, be flogged now-and-then. They ought to be flogged for little offences, in order to save them from heavier punishment!—But, Mr. Charles Adams, why did you not shew that I did not deserve the praise that had been bestowed upon me? To say, that I did not deserve it, and then to fly off to my education, to regret that I had not been lashed, and to be witty upon my present "lodgings:" this was not the way to convince any one that I did not deserve the praise that had been bestowed upon me; this was not to make good the position, with which you set out.—Mr. BROUGHAM had said, that the House, in having adopted a measure calculated to diminish the quantity of flogging, had acted upon the very principles for having unseasonably expressed which Mr. Cobbett was in jail. You find fault with this. You disapprove of it. You say, that I do not deserve this praise. Very well. But how do you support this proposition? How do you make it good? Do you show, either that I have never promulgated the principles in question; or, that my promulgation of them, and my suffering in consequence thereof, have produced no effect? No: you show neither of these; you merely make the assertion that I do not merit Mr. Brougham's praise, and then fly off to your wit about my education and my lodgings. It is an old observation, that the brilliant sparkling of wit keeps reason and fact in the back ground, an observation strikingly verified in this instance, where (as appears from the report) the wit was powerful enough to throw the whole of the Honourable House (rest their hearts!) into a roar of laughter.—Let us now come to our subject; I mean that of SIR FRANCIS BURDETT's proposition, made

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on Friday, the 13th of March, for the introduction of a Clause into the Mutiny Act for the TOTAL ABOLITION OF FLOGGING throughout the whole of the army, whether Regulars or Militia. This proposition, which was introduced by a speech of great length, was finally rejected, there being only 8 votes for it and 79 against it. But, the debate was very interesting, and brought forth some facts which were new to the public, especially that mentioned by Sir Samuel Romilly, of a soldier having *died* in consequence of receiving 224 lashes out of 1,000 lashes that he was *sentenced* to receive; and thus, said Sir Samuel Romilly, "the sentence of a court martial had imposed a punishment four times as great as God had enabled a human creature to endure." And yet Mr. SUTTON complains, that Mr. Brougham should suppose that the diminution of flogging arose from any efforts of mine so much as from the judicious discretion of officers composing courts-martial!—During the debate it was contended by SIR GEORGE WARRENDER, who, as the reader will bear in mind, did upon a late occasion, express his wounded feelings that Mr. Brougham should bid the army look up to Mr. Cobbett for redress instead of looking up to their own officers, and who, it now comes out, is himself the Colonel of some militia regiment, and consequently one of the army's "own officers;" it was contended by this gentleman, that, if flogging were abolished, the abolition "would create a disorganization in the army." Colonel FRANKLAND said, that the power of inflicting the punishment of flogging was "essential to due discipline and subordination of the army." Mr. YORKE said, that as to the proposition for doing away the punishment of flogging, "he could conceive no measure that involved greater dangers, or that more deeply bore the stamp of political suicide and madness."—Why, really to hear all this, one would imagine, as the Honourable Mr. BENNET observed, that SIR FRANCIS BURDETT had been proposing to do away some great and known blessing; something containing within itself the means of affording health or plenty or security. Who would ever imagine, that the abolishing of the power to flog the naked backs of Englishmen was big with danger to England; that it ought to be regarded as an act of political suicide and madness?—Yet, while this was said by some of those who objected to the abolition, others of them contended, that

the flogging was almost wholly done away. Generals PHIPPS and PORTER are stated so have said, that, "the instances, in which the punishment of flogging was inflicted, were NOW so greatly reduced in number, that they were hardly worth reporting to the Commander in Chief." But, if this be really the case, why not agree to the total abolition? If so very rarely inflicted, how can it be so essential to the subordination of the army?—Mr. WHITBREAD, however, said, that these statements were calculated to excite indignation; he contended, that the punishments by flogging were both frequent and severe; and he said, that discussion had, with regard to this subject in particular, been of great service, having produced a complete change of tone in those who were formerly advocates for flogging, and who now boasted how few, whereas they formerly boasted how many, the floggings in their regiments were.—The proposition of SIR FRANCIS BURDETT, was not, indeed carried; but the making of that proposition will not fail to carry its effect far and wide; and, finally, as I have often said, the object will be obtained; and we shall look back with up-lifted hands to the time when such a punishment existed.—This proposition was followed by another, on the 16th of March, upon the third reading of the LOCAL MILITIA BILL, when Sir Francis Burdett again proposed his Clause, making it applicable to the Local Militia only.—What passed upon this occasion was extremely curious and interesting; and, as it was (according to the report) very short, I shall insert it entire, as I find it in the news-papers.—SIR FRANCIS BURDETT then proposed an amendment to a clause in the 38th section. The amendment went to prevent flogging in the Local Militia. The Hon. Baronet did not think it necessary, after the arguments adduced by him on a former evening, to go into the general subject of flogging again: but as it regarded the local militia, he could not help saying, that he thought English gentlemen must feel great disgust at seeing their tenantry subjected to so disgraceful and horrible a punishment. He should again refer to the case noticed last year,—that of Taylor. This person was educated and esteemed,—he had an exceeding good character, and his offence was one springing in fact from his education—that of writing a poem, which was by no means destitute of merit. Gen-

"lemen argued now, that education was
 "above all things necessary in the lower
 "orders, and chiefly because it would tend
 "to prevent the commission of crimes.
 "Here, however, was a person of educa-
 "tion; and it was quite plain that it was
 "his education that prompted him to the
 "offence for which he was subjected to the
 "lash. He thought it right also to notice
 "the case of the persons *whipped in the*
"Isle of Ely: the offence of those poor
 "fellows was exaggerated into mutiny, al-
 "though, it was, in his mind, very trivial.
 "They were taken from their smock
 "frocks, and every one of them sentenced
 "500 lashes. It was highly improper
 "that the whole people of England, who
 "were liable all to serve in the Local
 "Militia, should thus be subjected to flog-
 "ging. He proposed his amendment,
 "however, not with any hope that it
 "would be carried, but merely to record
 "his opinion.

"MR. GOULBURN was persuaded that
 "perfect justice was done to the parties in
 "the two cases alluded to by the Hon.
 "Baronet.

"COLONEL WOOD said, that when the
 "general subject of the propriety of cor-
 "poral punishment in the army was
 "brought forward, he was unavoidably
 "absent; and he should, therefore, now
 "take the opportunity of mentioning one
 "circumstance which would serve to show
 "that corporal punishment existed also in
 "the French army. After the battle of
 "Fuentes D'Honore, a book belonging to the
 "86th French regiment was found, from
 "which it appeared, that within 6 months
 "there were no less than 320 Courts-
 "martial, and chiefly for desertion. Those
 "found guilty were all sentenced capi-
 "tally, and the relatives of the convicted
 "were besides obliged to suffer fine and
 "imprisonment. This fact he had the
 "authority of General Beckwith for stat-
 "ing. THE BOOK WAS LOST, how-
 "ever, in the movements which afterwards
 "took place, but the General assured him,
 "that if ever it should be found, he might
 "have it for the inspection of the House.

"MR. W. SMITH thought that the best
 "conclusion to be drawn from the fact
 "mentioned was, that the French had
 "such a horror of the suffering and dis-
 "grace of corporal punishment, that they
 "would rather be at once given up to
 "death than subjected to it.

"MR. DAVIES GIDDY was afraid that
 "the punishment of flogging could not be
 "dispensed with.

"MR. WHITBREAD was of opinion, that
 "the abolition of this species of punish-
 "ment, instead of relaxing, would pro-
 "mote the discipline of the army. The
 "Local Militia was extremely different
 "from the other branches of our service.
 "Persons were obliged to serve in the
 "Local Militia often totally against their
 "wishes. As to the fact so pompously
 "alluded to by the gallant Colonel, ex-
 "tracted from the book which was found
 "and lost, and if found again would be
 "brought before the House, he was not
 "aware that that fact, even if it were
 "proved, could substantiate the alleged
 "practice of corporal punishment in the
 "French army. As far as he could un-
 "derstand the gallant Colonel, it only
 "went to shew that people were shot in it.

"MR. HERBERT spoke against the
 "amendment.

"LORD PALMERSTON followed on the
 "same side.

"ADMIRAL HARVEY recollected, when
 "coming once from Gibraltar, that the
 "French people borrowed our cats to flog
 "their own people. (*A laugh.*)

"MR. H. THORNTON considered the
 "Local Militia as different from the other
 "parts of our army. His natural preju-
 "dices were entirely against imposing
 "upon them the same system of military
 "government.

"MR. C. WYNNE did not see how the
 "power of flogging could be taken away,
 "although he was extremely averse to it.

"MR. GIPPS and COLONEL ELLIOTON op-
 "posed the amendment; and it was then
 "put and negatived without a division." What Sir MARK WOOD's book had to do with the matter it would be very difficult to say. Mr. Whitbread could not discover, nor can I. But, suppose the book that was found and lost and might be found again had given an account of a thousand Frenchmen having been punished, and even flogged, would that have been any reason why every poor man in England, between the age of 18 and 30, should be liable to be flogged? We are told, that it is necessary for us to make all the enormous sacrifices that we make in order that we may not be subdued and ruled by Buonaparté; but, what sense is there in this, if the example of Buonaparté is to be cited in justification of any thing that we complain of? The Book, however, the famous found and lost book, said nothing, it seems, about flogging; and, therefore, it could not have any thing to

do with the matter; it only showed, as Mr. Wm. Smith observed, "that the French preferred death to flogging."

—This Book is, really, a rare article! Let us see. It was found just after one of our glorious victories; and, in the *movements*, that took place afterwards, it was lost; but, if found again, it will be sent home for the inspection of the House. Lost! how came it to be lost? There was time, it seems, to *read* it. It is an odd story! But, if anybody choose to believe it, still, I say, what is the book to us? If all the population of France were flogged, is that any reason that *we* should be flogged?—It is good to observe, too, that it was looked upon as a *crime* in Mr. Drakard and Mr. White and me to make any comparison between the treatment of the French and that of English soldiers favourable to the former and disadvantageous to the latter. This was a *crime* in us; but, it seems, that, for other purposes, such comparison may be made; it may be made as often as we please, so that we make it *in favour of the proceedings of our own government!* Glorious privilege! We have the privilege of writing in praise of all the acts of men in power, till we have not the stump of a pen left!—The Book, the *lost book*, being silent upon the subject of flogging, ADMIRAL HARVEY said, that officers of French Prisoners borrowed our *Cats*, upon a certain occasion, to flog their men with.—Indeed! What, they had no *Cats* of their own, then? And, besides, I did not know, that, when there were a parcel of Officers and Soldiers prisoners on board ship; I was not aware, that, under these circumstances, these Officers had the *command* of their soldiers. I always thought, on the contrary, that all the prisoners, officers as well as men, were under the command of the *Captors*.—But we *lent* the *Cats*, it seems? We are a polite nation; a "*highly polished people*," as the cant phrase is; and so, of course, we could not refuse to lend our *Cats*. Thus, then, the Frenchmen got a taste of *Pussy*. I dare say they will feel the worse at the miawling of a cat as long as they live. This was giving them a specimen of what we possessed.—Really it almost makes one sick to hear such stories as these. This is not *answering* Sir Francis Burdett, who complains, that, as the law now stands, every Englishman between the age of 18 and 30 years, if he be unable to pay a fine of ten pounds, is *liable to be flogged*. To tell him, therefore,

that a Book has been found and lost, and may be found again, recording sentences of death inflicted on French soldiers; to tell him that certain French officers borrowed our cats to flog their men with; to tell him this is *no answer at all*; for he has never told any one that he will be content to see Englishmen treated in the same way that the French are. He is not inquiring how the French are treated; but, he is complaining, that the English are not treated in the manner that he says they ought to be. But, at any rate, if this mode of answering him be adopted, shall not we be allowed to cite the example of Napoleon in support of our arguments? And was not Mr. White fully justified in citing that example in the article for which he was prosecuted? Let the reader judge.

FOREIGN TROOPS.—Upon this subject, which I am glad to see has been, at last, noticed in the House of Lords, I left two points untouched in my last Number; namely; the justification built upon the *necessity of the case*; and the justification built on the *Act of Parliament*.—We will take the last of these first, for, if what is done be *lawful*, all that will remain to do will be to show the *necessity of the law*.—First, then, there is a law, which forbids, and that, too, in the clearest and strongest terms, the suffering of any *foreigner* to hold any place of trust, *civil* or *military*, under the Crown of this kingdom. And, *what law* is this? Why, it is one of the fundamental laws of the realm. It is that very law, by which, and by which alone, the present Royal Family became entitled to reign here, or to have any authority whatever in this country; it is, in short, that very law by which the Crown of this kingdom was bestowed upon them.—The occasion was this. JAMES II. had been driven from the throne on account of his tyranny; his son-in-law, the Prince of Orange, who had married his eldest daughter, was invited over to fill his place; and he with his wife Mary were crowned king and queen of England, Ireland, and Scotland, under the title of William and Mary; his queen died leaving no children; and the Princess ANNE, afterwards QUEEN ANNE (a younger daughter of James II.) having lost her son by death, and there being no likelihood of either her or the king having any more children, it became necessary to provide against the contingency of their deaths. James II.

had left a son, who, according to lineal descent was the undoubted heir to the throne; but, the nation resolved not to have him, and to exclude that branch of the family for ever, notwithstanding its heirship to the throne. They then sought out another branch, who were Protestants, and who they thought would do better than the old branch.—James II. was the son of Charles the first, who was the son of James I. That same James I. had a daughter *Elizabeth*, who became by marriage Queen of Bohemia; this queen of Bohemia had a daughter named *Sophia*, who, by marriage, became *Electress of Hanover*. She, therefore, next after King William and the Princess Anne, became heiress to the throne, if the son of James II. was set aside, as he at this time was. Now this Sophia mind, was the mother of GEORGE I. who became Elector of Hanover, and who afterwards became our king.—

In the year 1700, called the 12th and 13th year of WILLIAM III., when, as was before observed, there was no longer any prospect of immediate heirs to William himself or the Princess Anne, an Act was passed, to settle the crown, in case of their dying without heirs, on the head of the Princess SOPHIA, the Electress of Hanover, or her heirs. This Act, which for this reason, is generally called the ACT OF SETTLEMENT, is entitled, "*An Act for the further Limitation of the Crown, and better securing the rights and liberty of the subject.*" It was not an Act for merely conferring the Crown; it was not an act for merely declaring who should be kings and who should not; but, also, for *securing the rights and liberties of the people.*—In this Act, therefore, as a foreign family were about to be raised to the throne, and especially as that family would continue to have foreign dominions and subjects, it became necessary to provide, that, after any of that family came to the throne, no foreigner should have any power of governing in this country; because, if this provision was not made, it was easy to foresee, that the Hanoverians would soon have a considerable part of the power in their hands, and the people of this kingdom would have the mortification to see themselves domineered over by favourites from the Electorate.

—Therefore it was enacted: "That after the said Limitation shall take effect as aforesaid" (that is to say after the family of Hanover should come to the throne) "no person born out of the king-

doms of England, Scotland, or Ireland, or the Dominions thereunto belonging (although he be naturalized or made a Denizen, except such as are born of English parents) shall be capable to be of the Privy Council, or a member of either House of Parliament, or to enjoy any Office or Place of Trust, either Civil or Military, or to have any grant of Lands, Tenements or Hereditaments from the Crown, to himself or to any other or others in Trust for him."—

Such was the provision made, in this respect, for the better securing of the rights and liberties of the subject. And, very necessary this provision was; for, though the King would, in course of time, as it really happened, be born in England, still he would, it was well known, have dominions and subjects in Hanover, and it was not for men who had read human nature to suppose, that he would not have a very great regard for the country of his ancestors, and that he would not have a strong liking for those of his subjects, who, from the very nature of their government, would be much more subservient to his wishes than his English subjects would be. Add to this the inevitable partialities arising from matrimonial connections, running in the same direction, and you will see how necessary this provision of the Act was, and how necessary it always must have been.—But, whatever was the reason on which it was founded, such was the law; And, now, let us see whether this law has been changed, and, if it has, to what extent.—We are, at present, speaking of the law only in as far as it relates to the *Foreign Troops*; and, it is evident, that, according to the Act of Settlement, no foreigner can be employed as an officer in the army, that being a place of military trust, in which the Act so expressly forbids foreigners to be placed. Well, then, has this Act been repealed? No; but, amongst the other good things, which this nation inherits from PITT and his wars against "*republicans and levellers,*" is an Act passed in 1804 to indemnify PITT and his associates for having advised the King to violate the above-mentioned law! The case was this. Hanover, dear Hanover, had been taken possession of by the French; and, great numbers of the Hanoverian army, who had not defended Hanover against the French, but who had laid down their arms and given up their native country without a blow; great numbers of this army found their way to England, and it

was judged by Pitt and his set, that these were very fit persons to defend England against those same French; or, at any rate, it was judged proper (for whatever reason) to take these Hanoverians into our PAY! Therefore, the parliament not being assembled at the time, and the affairs of these generous foreigners being very pressing, PITT took them into pay *against law*, gave commissions to Officers, and enlisted men; and, what is more, made no scruple to take Roman Catholic Officers, though it is well known, that our own Roman Catholic countrymen cannot become Officers, nor enjoy any place of military trust.——When the parliament met he came and proposed a *Bill of Indemnity* for what he had done; that is to say, having advised the king to violate the law of the land, he comes and proposes to the parliament to pass a law to screen him from the punishment due to such a crime; and, without any hesitation the parliament did it, as they did in the case of the forty thousand pounds, which it was discovered the same Pitt had lent to Boyd and Benfield.——Here, then, the minister got a protection for having advised the violation of this great constitutional Act; but, that was not all; for the same parliament authorized, by the same act which screened Pitt, the raising of 10,000 foreign troops, and the putting of them under the command of foreign officers.——Here is the legal origin of the King's German Legion and the other German Corps that we have in our pay, and the Officers of which have had, and yet have, so much authority in this kingdom.——The Act of Settlement, is, then, in part done away by this Act of 1804. This we all know; we know, that it is lawful to employ foreigners in places of military trust; but, the difference is this: while I see, and see it with sorrow and shame, that Germans may now hold places of military trust in this kingdom, I say that it is *not lawful* for them to hold such places in any but in *Corps composed of foreigners*, and that to give them commissions in our own native Corps, or upon the Staff, in this kingdom, is a violation of law.——Lord FOLKESTONE and Sir JOHN NEWPORT insisted upon this, in the debate, the remainder of which will be found below. Lord GROSVENOR has since, in the House of Lords, maintained the same, and has said that he is ready so to do against the Lord Chancellor himself.——Lord PALMERSTON, the Secretary at War, and Mr. PERCEVAL, asserted, that

the Act of 1804 authorised what had been done, namely, the giving Germans commissions in English regiments and posts upon the Staff.——Here, then, the parties are at issue; and, in order to enable the public to judge between Lord Folkestone and Mr. Perceval, I shall here insert the whole of the Act of 1804, which was passed on the 14th of July, the anniversary of the destruction of the Bastille!——This Act, as the reader will see, was intended to authorize the king to enlist foreigners and to form them into Corps; and, as the preamble expressly states, he was to be authorised to put foreign officers into those corps, because they were best acquainted with the language and manners of the men. How, then, in the name of sincerity, can it be said, that this Act justifies the putting of such officers into our native corps? Will it be pretended, that they are best acquainted with the language and manners of our men too?——But, here is the Act itself, which, as the reader will see, speaks, from one end to the other, of nothing but Foreign Corps, and leaves not the smallest room for the interpretation, which would extend it to our native regiments, or to the Staff in this country.

An Act for enabling Subjects of Foreign States to enlist as Soldiers in his Majesty's Service, and for enabling his Majesty to grant Commissions to Subjects of Foreign States to serve as Officers or as Engineers, under certain Restrictions; and to indemnify all Persons who may have advised his Majesty to enlist any such Soldiers, or grant any such Commissions as aforesaid.—Passed July 14, 1804.

‘Whereas it hath been deemed expedient by his Majesty, in order to provide in the speediest manner for the better Defence and greater Security of the United Kingdom, in the present important Juncture of Affairs, to permit certain Foreigners, now in Great Britain, to enlist as Soldiers into his Majesty's service, and for the better disciplining of such Soldiers, TO FORM THEM INTO REGIMENTS, BATTALIONS, OR CORPS, and to grant Commissions or Letters of Service THEREIN, to certain Foreign Officers acquainted with THEIR MANNERS AND LANGUAGE; and it may be expedient, during the Continuance of the present War, to augment such Regiments, Battalions, or Corps, and to form other Regiments, Battalions, or Corps, and to enlist as Soldiers to serve THEREIN respectively such other Fo-

‘reigners as shall be willing to enlist themselves in his Majesty’s Service; and also to enable his Majesty to grant Commissions or Letters of Service to Foreign Officers THEREIN; and it is proper that all persons who shall or may have advised his Majesty to enlist such Soldiers, and to grant such Commissions or Letters of Service aforesaid, should be indemnified; and it is necessary that Quarters should be provided for such Regiments, Battalions, or Corps, during their Continuance in any part of the United Kingdom:’ Be it therefore enacted by the King’s most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That all such Foreign Soldiers as have been already enlisted into his Majesty’s service, and formed into Regiments, Battalions, or Corps, as aforesaid, shall be deemed and taken to have been and to be legally and effectually enlisted and formed; and all such Commissions, or Letters of Service as have been already granted by his Majesty to any Foreign Officers in such Regiments, Battalions, or Corps, shall be deemed and taken to have been and to be legally and effectually granted, and shall remain and continue in force in like manner in all respects as if such Soldiers had been enlisted and formed, and such Commissions or Letters of Service had been granted, after the passing and under the Provisions of this Act; and all and every Persons or Person who shall or may have advised his Majesty to enlist such Soldiers, and to grant such Commissions or Letters of Service as aforesaid, shall be, and they and he are or is hereby fully and effectually indemnified; any Law or Statute to the contrary notwithstanding.

II. And be it further enacted, That it shall and may be lawful for his Majesty, his Heirs and Successors, from Time to Time, to augment such Regiments, Battalions, or Corps, so already formed as aforesaid, and to form any other Regiments, Battalions, or Corps, and to that End to enlist as Soldiers to serve in any such Regiments, Battalions, or Corps, any Foreigners who shall voluntarily enter themselves as Soldiers to serve THEREIN: Provided always, that there shall not be, within any Part of the United Kingdom, more in the whole than ten thousand men serving in such Regiments, Battalions, or Corps, at any one Time.

III. And be it further enacted, That it shall be lawful for any such Persons, Subjects of any Foreign States as shall be willing to serve his Majesty, to enlist as Soldiers, and to accept Commissions or Letters of Service, to serve as Officers or Engineers, from his Majesty, his Heirs and Successors, or from any Persons duly authorised by his Majesty to grant such Commissions or Letters of Service (which Commissions and Letters of Service it shall be lawful for his Majesty, or for any Persons duly authorised in that behalf as aforesaid, to grant:) Provided always, that no such Officer, when he shall be reduced, shall be entitled to receive Half-Pay: Provided nevertheless, that when any such Officer shall be rendered incapable of Military Service by Wounds or Infirmities, contracted while he shall be discharging his Military Duty during the Period of his continuing to serve as such Officer under the Provisions of this Act, then and in such case it shall be lawful for his Majesty to make such Provision for such Officer as he shall think proper and necessary, so that such Provision shall in no Case exceed the Half-Pay of the Rank in the BRITISH Service, similar to that which such Officer shall have held at the Time of his becoming so incapable as aforesaid: Provided also, that no such Person as aforesaid shall be liable to any Pain, Penalty, or Forfeiture whatever, for having accepted any such Commission, or enlisted as a Soldier IN ANY SUCH REGIMENTS, BATTALIONS, OR CORPS, AS AFORESAID, by reason of his having professed the *Popish* Religion, and not having declared the same at the Time of his accepting such Commission or enlisting.

IV. And be it further enacted, That all Officers, Non-commissioned Officers, Drummers, and Private Soldiers respectively serving under the Provisions of this Act, shall, whilst in his Majesty’s Service as aforesaid, be subject and liable to such Articles of War as his Majesty hath established or may think fit to establish for the better Government of the said Forces, and for bringing Offenders against the same to Justice, and for constituting Courts Martial with Power to try, hear, and determine any Crimes or Offences by such Articles of War, and inflict Penalties, by Sentence or Judgment of the same, and may be billeted and quartered, and be received and provided for in Quarters: Provided always, that no Officer, Non-commissioned Officer, Drummer, or Soldier, shall, by

such Articles of War, be subject to any punishment extending to Life or Limb, for any Crime which is not expressed to be so punishable by an Act of this Session of Parliament, intituled, *An Act for punishing Mutiny and Desertion, and for the better Payment of the Army and their Quarters*; and for such Crimes as are expressed to be so punishable in the said Act, in any manner or under any regulations which shall not accord with the Provisions of the said Act: Provided also, that every Person who shall be enlisted as a Soldier under the Authority of this Act, shall be attested in such manner as his Majesty shall direct, by such Articles of War and not otherwise; and that such Officers, Non-commissioned Officers, Drummers, and Private Soldiers respectively shall take such oath for their Fidelity, and their Continuance in his Majesty's service, as his Majesty shall in like manner direct, and no other.

V. Provided always, and be it further enacted, That this Act shall continue in Force during the present War, and until one Year after the Termination thereof, by the ratification of a Definitive Treaty of Peace, and no longer.

Such, reader, is the Act of Parliament, which has been interpreted to mean, that *foreign Officers may be put into English regiments*, and that they may also be placed in the command of *the several districts of this kingdom*; in short, it has been interpreted to mean, that the whole of our regular army may be *legally* put under the command of Hanoverians or other foreigners; and that, every part of this kingdom may be *legally* put under the command of the same persons. I say, with Lord Folkestone, that the Act means no such thing; but, if it did, to what a pass are we come? To what a state have these Anti-Jacobin wars and these Lawyers brought us? If the King, or his ministers, have it in their power to displace all our native Officers, from the Ensign to the General, and to put Hanoverians in their stead; if this Act of Parliament gave them the power to do this, then are we in a state to be envied by no nation upon the face of the earth; then are we in a state to excite the pity, or, rather, the contempt, of all those whom we have affected to despise. For, you will observe, reader, that it is not here a question of *degree*. If they can appoint *one* foreigner to command Englishmen, they can appoint a *thousand*. There is no limit; and, then, again I say,

we are, at last, come to a pretty pass!—Observe, too, that *Roman Catholics* may, if FOREIGNERS, be commissioned according to this act; so that, you see, if Mr. Perceval's interpretation hold good, Roman Catholics may possess *all* the offices in our army; they may command in all our districts; they may enjoy *all* the places of military trust in the kingdom, not excepting the *governorships of the forts and castles*. Yes, if Mr. Perceval's interpretation of the Act be good, *Baron Bock* or *Baron Linsingen* might be appointed Lieutenant of the Tower of London, and I do not know that they might not be appointed Lords Lieutenants of Counties, for that is also a place of military trust. In short, if that interpretation be admitted, the Act of Settlement, as to its most important provision, is no more, and we are exposed to all the dangers that it was intended to prevent.—At the time when this Act was passed, it was strongly protested against by Mr. FRANCIS, Mr. H. HUTCHINSON and Mr. PETER MOORE; but, none of these gentlemen anticipated the use that has since been made of it. Little did they imagine, that it would be made the ground whereon to introduce German Officers into our own regiments and to put German Generals to command English districts. In one stage of the Bill, the Secretary of War said: "that as this was only a measure for providing for a certain number of brave men, who had been forced to leave their own country, he hoped the Bill might proceed in its course." He did not point out the particular instances in which this *bravery* had been displayed, nor did he explain *how* the people had been forced away from their own country; but, at any rate, it was in this *humble tone* that the Hanoverians were introduced. We were then told of their distresses; of their forlorn situation; of the cruelties exercised against them by the French. In short, they were held out to us as *objects of compassion*. But, now, faith, we are to listen to accounts of their merits; of their skill; of their valour. We have now to behold them put in high commands; in short, to behold them *commanding English regiments, English generals, and English territory*.—The provision, relative to *Roman Catholics*, has been several times noticed in and out of parliament; but, it has always been said, in answer, that there can be no great danger from this, because confined to a *few foreign Corps*, whereas *our own Roman Catholics*,

if they were admitted, would find their way into all the regiments in the service and might possess many of the great commands on the Staff. What, however, will be said now? Mr. Perceval's interpretation of the act of 1804 allows the King to put Roman Catholics into *all* the Military Commands, provided only that those Roman Catholics be FOREIGNERS! This makes the indignity upon our own Catholics ten thousand times greater than it was before. It is well known, that the voluntary services of many of our own Roman Catholic noblemen and gentlemen have been absolutely refused; and yet, do we see these foreign Catholics admitted, as we are now told they *legally* are, not only into any of our native corps, but to the command of large portions of our army in our own country? If what has been done in this way be *lawful*, if Mr. Perceval's interpretation of the Act of 1804 be allowed to be good, German Catholics may command all the regiments and garrisons and districts in Ireland, while an Irish Catholic can have no such command!—That is quite enough. Not another word need be said upon this part of the subject. The reader will now judge for himself what *law* there is for the employing of these foreigners in English regiments and the staff; and, in my next, I shall discuss the point of *expediency*.

“THE NEW ERA.”—No. III.—Amongst the signs of the Prince's “*new Era*,” no one, numerous as they are and have been, is more worthy of attention than that which was so visible at the festival of *St. Patrick*, on the 17th instant. The poetry in the Morning Chronicle, for some weeks past, has been quite sufficient to make a man's ears tingle; to make him feel, that real talent is not to be offended with impunity; but, even this poetry, cutting as it is, falls, in point of severity, far short of what has been published, in the same paper of the 18th instant, relative to what passed at the festival of *St. Patrick*.—It is well known, that this festival is held on the 17th of March, by a number of Noblemen and Gentlemen, belonging to Ireland either by birth or estate; and that, upon these occasions, a collection, in money, is made for the relief of persons of that country, who may be found in distress in this country.—Upon the present occasion, the MARQUIS OF LANSDOWNE was, it seems, in the chair, the Earl of Moira, Mr. Sheridan and many other per-

sons of note being present.—In the account of what passed at the dinner, the Morning Chronicle hath these words:—“The Noble chairman gave the Health of “THE KING, which was drunk with *enthusiastic and rapturous applauses*. And “then the Noble Marquis gave “the “Health of the PRINCE REGENT,” “which was drunk with *partial applause* “and LOUD AND REITERATED “HISSES.”—This is a “NEW ERA” indeed! At the meeting where these hisses are said to have been heard, there used, formerly, to be, at the mention of the Prince's name, such shouts of applause that a stranger to the cause might have well supposed the company *mad*. Indeed it was disgusting to read, in this same Morning Chronicle, the plaistered-on praises, which, at these festivals, used to be bestowed on the Prince. It was quite loathsome to hear such more than parasitical applause.—There is, however, now a *change*. The “new era” has done this for us at any rate. It has relieved us from the beholding of some of the most base and nauseous adulation that ever was witnessed in the world.—But the HISSES! Not only the absence of applause, but actual, audible hisses at the health of the Prince being drunk!—This could not pass unnoticed by Mr. Sheridan, he being present, and having, it seems, resolved to stick by the Prince. Lord Lansdown had observed, in his opening speech to the Meeting, that it was desirable to avoid all *political* topics, the meeting being instituted for purposes purely charitable. But, the hisses at the name of the Prince forbade Mr. Sheridan to remain silent; and, it is stated, that when his health was drunk, he rose and made a speech of which the following is an account.—“MR. SHERIDAN at length arose, and in a low tone “of voice returned his thanks for the honourable notice by which so large a “meeting of his countrymen thought proper to distinguish him. (*Applauses*.) “He had ever been proud of Ireland, and “hoped that his country might never have “cause to be ashamed of him. (*Applauses*.) Ireland never forgot those “who did all they could do, however little “that might be, in behalf of her best interests. All allusion to politics had been “industriously deprecated by their Noble “Chairman—He was aware that charity “was the immediate object of their meeting; but standing as he did before an “assembly of his countrymen, he could

“not affect to disguise his conviction that
 “at the present crisis Ireland involved in
 “itself every consideration dear to the
 “best interests of the empire. (*Hear, hear!*) It was, therefore, that he was
 “most anxious that nothing should trans-
 “pire in that meeting calculated to injure
 “those great objects, or to visit with un-
 “deserved censure the conduct of per-
 “sons whose love to Ireland was as cor-
 “dial and zealous as it ever had been.
 “He confessed frankly that knowing as
 “he did the unaltered and unalterable
 “sentiments of an Illustrious Personage
 “towards Ireland, he could not conceal
 “from the meeting that he had felt consi-
 “derably shocked at the *sulky coldness* and
 “*surly discontent* with which they had on
 “that evening drank the health of the
 “Prince Regent. (Here we were sorry
 “to observe that Mr. S. was interrupted
 “by no *very equivocal symptoms of disappro-*
 “*bation*)—when silence was somewhat re-
 “stored, Mr. Sheridan said, that he knew
 “the Prince Regent well—(*hisses*)—he
 “knew his principles—(*hisses*)—they would
 “at least, he hoped, give him credit for
 “believing that he knew them, when he
 “said he did.—(*applause.*)—He repeated,
 “that he knew well the principles of the
 “Prince Regent, and that so well satisfied
 “was he that they were all that Ireland
 “could wish, that he (Mr. Sheridan)
 “hoped, that as he had lived up to them,
 “so he might die in the principles of the
 “Prince Regent.—(*hisses and applauses.*)
 “—He should be sorry personally to have
 “merited their disapprobation (*general*
 “*applause, with cries of “Change the subject*
 “*“and speak out.”*)—He could only assure
 “them, that the Prince Regent remained
 “unchangeably true to those principles.
 “(*Here the clamours became so loud and gene-*
 “*ral that we could collect nothing more.*)—
 Oh! poor Sheridan! Hissed by his own
 countrymen; hooted down by these very
 persons who formerly heard him with
 such raptures! Here he ends, then; or,
 if not, what is he reserved for? What is
 to be his fate? What are we to see him
 do before he dies?—Perhaps there is
 not, in the history of man, so complete an
 instance of *sinking* as we have here before
 us. There was a time, when Mr. Sheridan
 was not only looked upon, but was, *second*
 to no man in England in point of talent.
 If I look through the proceedings in par-
 liament from 1785 to 1796, I find him the
 most active, the most powerful, the most
 efficient, opposer of PITT and his band;

I find all his motions well framed and
 well timed; all his speeches eloquent,
 and not only eloquent, but full of infor-
 mation, full of fact, of argument, and dis-
 covering a deep insight into all the sub-
 jects, however complicated, upon which
 he touched. In short, I see, in every
 page, the orator, the scholar, the philoso-
 pher, the statesman, and, to crown all, the
 friend of freedom. And, what, in the
 same man, do I see now? An underling
 of the Jenkinsons and the Percevals!
 When I look back to the manner in which
 he used to treat Lord Hawkesbury and Sir
 John Scott; when I read those famous an-
 swers of his to these and such like per-
 sons; and, at the same time, reflect on
 his present situation relatively to these
 persons, feelings that I dare not trust my-
 self to describe press so upon me,
 that I am glad to think of any thing else,
 nothing being so humiliating to man.—
 That he rose *unwilling* to speak at the St.
 Patrick festival I can readily believe; that
 he felt the necessity of doing it; that, in
 short, he dared not omit to do it, I verily
 believe. But this only makes the matter
 worse. And, then, to attempt to persuade
 the Meeting of what it was *impossible* for
 them to believe! Poor Sheridan! Though
 he has certainly been, in my opinion, for
 many years past, an enemy to the liberties
 of England; though he has, in my view
 of things, done infinite mischief; though
 he has, on many occasions, since 1796,
 been the principal cause of saving Pitt
 and his tribe from heavy blows; still I
 cannot help feeling sorrow at seeing a
 man of such talents fallen into such a state.

PAPER AGAINST GOLD.—No. I—I said,
 when Lord Stanhope's Bill came into the
 House, that, in less than a year, Bank
 Notes would be made a LEGAL TENDER,
 and this is now going to be done, as the
 reader will see, and as the *world* will see,
 from the debate, which I have inserted be-
 low, or, which, I shall, at any rate, endea-
 vour to insert.—Let others amuse them-
 selves with the disputes about who shall be
 in the ministry; about this appointment
 and that appointment; about the successes
 of the war in the Peninsula. These things
 I leave to them; but, when I hear of mea-
 sures relative to *Bank Notes*, I begin to
 look about me.—The present measure
 appears to have ridden into parliament
 upon the back of a petition, presented by
 Castlereagh, from certain persons in the
 North of Ireland, praying that the benefit

of Lord Stanhope's Bill might be extended to Ireland; that is to say, praying that they might be protected against the demand of payment in gold on the part of their landlords; or, in other words, praying that they might be protected in a refusal to pay part of what they owed to the said landlords. A very natural prayer, and one, it seems, which is to be granted with all convenient speed.—But, as I am now entering a-new upon this subject, and shall have to continue it from week to week, I will here go back a little, in order to put upon record what has taken place since the passing of Lord Stanhope's Bill in July last.—LORD KING brought actions against his tenants, or at least, an action against one tenant, for recovery of his rent in gold, and he, at the same time, gave a notice to the officer of the court not to receive bank notes in payment into court. It seems, however, that the officer did receive the bank notes, and that proceedings were stayed thereon. This, if decided to be law, would have saved all further trouble; for it would, in fact, be making the notes a legal tender at once; for, what is a legal tender but this: that *there is no law to compel you to pay in any thing else*. That is what is meant by a legal tender; and, therefore, if there were no means by which Lord King could force his tenant to pay him in any thing but bank notes, bank notes are a legal tender.—In the meanwhile, however, the question came before the Chief Judge in another shape. A landlord had demanded gold in payment of rent; the tenant offered him bank notes; the landlord refused them; the tenant stood out; the landlord seized by distress; and the tenant brought an action of replevin. The following is the report of the trial, as published in the news-papers. It took place, in the Court of King's Bench, on the 15th of February last, before Lord Ellenborough:—BRAY *versus* HILL.—“MR. GARROW said, that the plaintiff occupied property to a considerable amount, belonging to a Mrs. Shepherd, mother of Mr. Shepherd, an Attorney of the Court, situated in Holborn. Mr. Shepherd acted as agent for his mother in regard to this property, and was in the habit of receiving the rent of it, on her account. On the 20th of July last, the rent then due, amounting to 54*l.* 12*s.* was tendered to Mr. Shepherd; but he refused to receive it, unless it was paid in the current coin of the country, that is to say, in guineas. A proper tender,

the Learned Counsel understood, would be proved to have been made. It would be for the defendant, Mr. George Blundell Hill, who made the levy, under the orders of Mr. Shepherd, to account for this conduct.—Mr. Samuel Barker, Attorney for the plaintiff, proved the tender of the rent due having been made to Mr. Shepherd, on the 20th of July. Mr. Shepherd objected to receive it, unless it was paid in the current coin of the realm. He said Mr. Bray had been impudent to him; that he was determined to punish him: and distrain upon his goods against four o'clock that afternoon, unless the rent was paid to him in the current coin of the country. He did not mention his mother. A distress was put in on the Monday, being the 22d of July, and the goods were replevied. Mr. Shepherd, at the same time said, that, when the next quarter became due, he would sue on the covenant in the lease, unless the rent was paid in the current coin.—Creecy, hostler to the plaintiff, proved, that the defendant came in to the plaintiff's house, to make the levy, on the 22d of July. The witness saw the amount tendered to the defendant in Bank of England notes, before the distress was made, but which the defendant refused to accept, saying he would have nothing but gold, or hard cash. The individual notes then tendered to the defendant, the witness had kept in his possession ever since, and now produced.—MR. PARK, for the defendant, was stopped by the Court from apologising for so ungracious a defence; and Mr. Garrow chose to suffer a verdict for the defendant, instead of being non-suited, that the defence might be recorded.—LORD ELLENBOROUGH said, HE WAS EXTREMELY SORRY IN THIS CASE TO TELL THE JURY THAT BANK-NOTES WERE NOT YET A LEGAL TENDER, and that the defendant WAS COMPETENT IN POINT OF LAW TO MAKE GOOD THIS DEFENCE. The jury hesitated; but his Lordship told them that neither he nor they could HELP THE LAW: and although their PRIVATE WISHES might be alike in this case, they must leave the law to those who were competent to relieve them. THE MOTIVE OF THIS DEFENCE WAS MOST APPARENT; but it would be dangerous for the administration of justice to suffer their inclinations to warp their duty.

"*The defendant had a verdict.*"—Upon this report of the Judge's speech I shall make no remark. I shall leave the proper remarks to suggest themselves to the reader, who may, if he pleases, communicate them to others. But, one thing is clear, that, if the report of this speech be correct, Bank of England notes were not deemed, by this Judge, a legal tender on the 15th of February last; and, if so, the payment of them *into court* could not make them a legal tender; for, to say that they are *not a legal tender* till the sum due be sued for, and that they *are a legal tender afterwards*, is nonsense too gross to be tolerated.—The distress made by Mr. Shepherd, in the above case, was previous to the operation of Lord Stanhope's act, which would have prevented the *distress*, but not the result of *an action of debt*, or of an *ejectment*.—That bank notes are *not yet* a legal tender the Judge clearly said. Indeed, it was impossible for him to say otherwise, unless he had gone directly in the teeth of the decided cases as well as of the written law; and, it is now seen, that the thing can go on no longer without making them a legal tender.—In my next I shall clearly explain Mr. Perceval's measure to my readers; but, in the mean while, I wish them to be upon their guard against the deception of *words*, of *names*, and not to look upon a thing to be *this* or *that*, merely because it is called by this or that *name*. I beg them to bear in mind, that, let the measure go by what name it will, *if it leaves a man no legal means of enforcing payment in gold*, it is the *making of bank notes a legal tender*.—Mr. Perceval says, there have been only *three cases* where people have, since last year, endeavoured to enforce payment in gold. Ah! he well knows how many cases there would soon be after the decision of Lord King's case, if no law were passed to prevent them. Scores of people; hundreds of people, were only waiting for the decision in the suit of Lord King.—However, let the thing go on! All that we have to do is to wait patiently for its ultimate consequences, which will, I am convinced, be most happy for this country.—The debate, upon the making of Mr. Perceval's proposition, should be carefully read. A day will come when all such debates will be sought after. Lord BORINGDON, in the House of Lords, last night, is reported to have said, that his noble friends, Lords Grenville and Grey, "*did not wish to throw open the Bank, but to restore our currency to its former*

healthful state." Mr. Perceval will do this as effectually as his rivals, and will not be much longer about it. Indeed, he is pursuing the only mode that plain sense points out. He is resolved to *keep the paper going as long as it will go*. He finds it answer his purposes *now*, and he does not trouble himself about what it will do by-and-by. If I was the owner of all the bank notes, I should, of course, do every thing in my power to make them go; and should, I dare say, be very slow to comprehend how they were to do any body harm.—Let him go on! He is a brave little man, and will, I warrant him, do the thing completely before he quits the concern. I have long thought and said that he was destined to this, and now, I think, no man can doubt the fact.

W^M. COBBETT.

State Prison, Newgate, Friday,
20th March, 1812.

FOREIGN TROOPS.

Debate, in the House of Commons, on Tuesday, the 10th of March, 1812.

(Concluded from p. 352.)

..... As far as he was capable of forming an opinion of the true construction of the latter Act, it embraced two distinct objects. The one was for forming foreign corps or battalions, and the other was for allowing foreigners to accept commissions in our service. When the Hon. Baronet (Sir F. Burdett) said, that we had no need to rely on foreigners for our protection, he would ask, whether any man, looking at the present state of our navy and army, could for a moment suppose that we trusted to foreigners for our defence? (hear, hear!) Could any body see any thing in the enlistment of foreigners in the present times, except the desire of using all the means which naturally presented themselves to us in the great contest in which we were now engaged? This enlistment began by taking into our service the Hanoverians who escaped from the power of the enemy. Could it be said that those soldiers, coming into the country under those circumstances, ought to be objects of jealousy to this country? (Hear, hear!) The Hon. Baronet seemed to think it a monstrous thing that we should punish as traitors subjects of this country enlisting in the service of the enemy, while we ourselves enlist foreigners into our service. For his part, the difference appeared to

him so great, that he could see no analogy between the cases. For example, if, instead of sending to Spain those Spanish troops which France had forcibly obliged to march to Denmark, we had enlisted them into our service, could any man say that there would be any resemblance between the Spaniards entering into our service under such circumstances, and our own subjects entering into that of the enemy? It was the same with all foreigners whom we enlisted in our service. It might happen accidentally, that a Frenchman might enlist by describing himself as a German, but the Government never wished any Frenchman to be enlisted; they only wished to enlist men from those countries which France most unjustly oppresses, and whose population she forces into her armies. He did not feel himself bound to say any thing in defence of the policy of the laws to which he had referred, as the present Government had not made those laws, but found them. The original law which allowed 10,000 foreign troops to be employed, had, under the late administration, been amended, so as to increase the number to the present amount of 16,000 men. He had therefore nothing to do with the policy of those laws, but merely to state his opinion of their fair construction. Notwithstanding the preamble, and the first two sections of the act which had been read by a Right Hon. Baronet (Sir J. Newport) he must contend, that it was permitted by that law for foreigners to accept commissions in our army generally, and there was no exception made that they should not be on the staff. He would defy any man to affix any meaning whatever to the 3d section of the act, if that were not the meaning. He allowed with the Rt. Hon. Bart. that the preamble was usually considered as the key to a statute; but it was not such a key as to lock up entirely the obvious meaning of the enacting clauses. Where there was a doubt about the meaning of a clause, he thought that such doubt could be best explained by reference to the preamble; but when the clause was clear, it could not be narrowed from its obvious meaning by any words in the preamble.—The Right Honourable Gentleman here proceeded to read the 3d clause of the Act of the 46th, in which he contended there was no mention of battalions or corps, but only of enlistment generally. From the whole construction of this clause, therefore, he was induced to think that it per-

mitted the enlistment of foreigners generally, without their being necessarily attached to any particular corps or battalion; with this exception, indeed, that commissions in our own regiments were not to be given to any foreign Catholics, though it did not extend to the exclusion of privates who were foreigners. This appeared to him to be the construction of the Act of Parliament in question. Whether the Act should continue in force or not, was a fair subject for future consideration; but such being, as he conceived, its fair meaning, no blame could attach to Government for having followed that interpretation. A great deal of the blame, if there was any, would depend upon the extent to which the practice of enlisting foreigners had been carried: it certainly would be impolitic and unjustifiable to enlist them in preference to native soldiers; but if it should turn out that any enlistment of foreigners, whether as officers or privates, had been of a very limited extent, then the whole question, under the present circumstances of the country, would assume a very different aspect. Neither, upon the whole, did he believe it would be found that the whole of the foreigners, whether in separate battalions, or in native regiments, engaged at present in the home service, exceeded the number of 16,000 men, as specified in the Act of Parliament.—The Noble Lord had also adverted to the appointment of Count Munster as one of the Commissioners for superintending his Majesty's property. If that was an unlawful act, he (Mr. P.) was ready to acknowledge that he was guilty of having advised it. He had recommended that appointment, and he had done so under a perfect ignorance of the nature or extent of his Majesty's property; but merely under the impression, that some of it might be of Hanoverian extraction, if he might be allowed to use such a term; and that therefore no person was better qualified to give useful information and superintendence on the subject than that gentleman. If, however, within the letter of the law, the appointment was illegal, he thought it at least entirely within its spirit; and would only add, that if found to be wrong when viewed both with regard to the letter and the spirit of the Act of Settlement, why then let it be corrected; but if found only incompatible with its letter, Administration would have a fair claim to be indemnified for the advice they had given. This was a subject,

however, which, though introduced by the Noble Lord, had no immediate connection with the motion before the House.—As to the second of the Noble Lord's motions, he really thought it would be utterly impossible to find out all the foreigners who were serving in our regiments; for the enquiry must not only extend to the whole of this country, but you must send out to Portugal, to the East and West Indies, and to all parts of the globe, in short, where our troops were employed. Even if such an enquiry were practicable, he saw no object to be attained by it that would compensate the trouble; particularly as the Noble Lord himself seemed to admit, that there were not in this country, at least, so many foreign troops upon the whole as the law would admit, though their numbers might be very considerable abroad. As to the production of the names of all the foreign officers employed in the British service, he really could not think it by any means proper. Was it wholly a matter of indifference, that such a list should be published, and get abroad to the enemy; thus, perhaps, endangering the lives of some of those officers, should they fall into the hands of the French?

GENERAL TARLETON observed, that as to obtaining returns of the foreigners in our service, of which the Right Hon. Gentleman doubted the possibility, nothing was more easy; for there were annual returns given in to the War-office from every regiment, which specified the age, size, birth, and country of every man in the army. With regard to the general principle of employing foreigners in the army, he would only say, that if the war was continued on its present extensive scale, we could hardly have too many foreigners in our service; but they ought to be kept in separate battalions: for as to taking Germans and other foreigners into our native regiments, he could not too much reprobate the practice; it was like mixing up the base metals with our own fine gold and silver. The Germans, as a people, had been overrun and degraded by the French; and did any body suppose that our native troops, fighting for their own soil, would be overcome like the Russians and others? He would say, then, take as many troops into your service as you please, but keep them distinct, and call them mercenaries.

LORD A. HAMILTON thought, that if the construction of the Act of the 46th of the King was such as had been stated by the

Chancellor of the Exchequer, it was so very objectionable, it should be altered, and a new bill brought in for that purpose. This afforded an additional reason for the production of the returns now moved for. The practice of giving so many commissions appeared objectionable, when there were many British officers who wanted employment and could not get it.

MR. PERCEVAL observed, in explanation, that the commissions of foreign officers were only given for the duration of the war.

MR. BENNETT wished to state a fact which came within his own observation, and which had some reference to the present topic. He was at Gibraltar some time ago, and he saw at the depot of that garrison, 3 or 400 men who had belonged to Dupont's army. They were by no means Germans, for he had conversed with some of them, who told him they were actually Parisians. This was a circumstance which deserved enquiry. He could not help referring to the regulation which prevailed in the 10th light dragoons, prohibiting the enlistment of Irishmen. Was it to be endured, that such an indignity should be put upon the Irish nation, as to exclude them from any regiment in the service? Were the Irish not only to be denied their just rights, but also to have such an indignity as this inflicted on their feelings? (*Hear.*)

MR. PERCEVAL stated, that he never heard of any such regulation.

COLONEL PALMER wished to observe, that the only reason why Irishmen had not of late been enlisted into that regiment, was *because a great number of them had deserted out of it, and the difficulty of recovering them was so great, that it was thought proper to decline enlisting any more.*

LORD FOLKESTONE replied at considerable length. He declared, that the object of his motion was not to obtain the names of the foreign officers and privates in our service, but merely their numbers, their age, &c. specifying at the same time the particular regiments in which they served. He totally differed with the Chancellor of the Exchequer in his construction of the Act of the 46th of the King. When he questioned the interpretation of the Right Hon. Gentleman, he was aware that he was contending with fearful odds; considering both the influence of that Hon. Gentleman in the House, and the legal habit of his former life. Probably he himself

had a hand in the formation of the Act in question, and was Attorney-General at the time it was passed. But notwithstanding this, he (Lord F.) would assert, that the whole of the act referred only to the formation of foreign corps, and did not at all permit the enlistment of foreigners into our native regiments. As to the 3d clause of the Act, it merely authorised the future enlistment of foreigners into such foreign corps as had been already formed. It was perfectly absurd to suppose that it could mean to repeal the Act of Settlement, by admitting foreigners to places of military trust in our own regiments. The Noble Lord then proceeded to repeat his dislike of entertaining Germans in our own regiments. They had not defended their own government, their laws, and their homes, when attacked by the French; nay, in the Convention by which they surrendered Hanover to the enemy, they had taken care to stipulate for the continuance of their own pay and emoluments for a certain period, while they entirely neglected the interests of the people whom they were bound to defend. He even understood, that an Hanoverian officer, who had a hand in the formation of that Convention, was either now or lately a General in Ireland. He trusted the Right Hon. Gentleman opposite would withdraw his opposition to the motion, which might be so worded, that the names of individuals would not appear.

MR. PERCEVAL declared, he had no objection to the production of the number of foreigners, whether privates or having commissions in our native regiments, specifying also the regiments in which they served, provided it were confined to the home service, and not extended to those in Portugal, and the East and West Indies.

This was acceded to, and the motion thus altered was put and agreed to.

BANK NOTES.

Debate in the House of Commons, on the 17th of March 1812, on a motion of Mr. PERCEVAL for bringing in a Bill to protect persons offering payment in Bank Notes.

LORD CASTLEREAGH presented a Petition from the towns of Belfast and Coleraine, praying that the Act of last Session respecting Bank Notes in this Country might be extended to Ireland. The tenantry in Ireland could hardly have existed if it had not been for the liberality of

the landlords. The evil however, against which the Petitioners now applied for relief, arose from the variety of degrees in which this liberality was at present extended to them. Some Landlords afforded them relief at the full extent, by taking payment of their net rent in Bank Notes, without any addition. Others took an addition of 2, 3, 4, and even 5 per cent. while others again demanded the full amount in guineas; thus rendering it a matter of extreme hardship, the difference in price amounting to 20 or 22 per cent.

MR. WELLESLEY POLE submitted that there would be great injustice, if the enactments of the Bill, which had been passed as applicable to England, during the last year, were not now extended to Ireland. He was happy, therefore, that his Right Hon. Friend, (Mr. Perceval) had agreed to extend the provisions of the Bill which he was about to move for leave to bring in, to Ireland, thereby communicating the same advantages to one part of the Empire as to the other.

The Petition was then brought up, and read, and was ordered to lie on the table.

MR. PERCEVAL rose for the purpose of moving for leave to bring in a Bill for continuing with Amendments, the Act which had just been the subject of conversation, and also for extending the same to Ireland. It would not be necessary for him to make many observations in this stage of the business; and as he was now only to move for leave to bring in a Bill to continue an Act already in force in this country for a limited period, he presumed his present motion would not experience any material opposition. The course which he would wish to pursue, he should shortly state to the House. As the provisions of the Bill were now proposed to be extended to Ireland, he should allow more time for its progress through the House, than if it had merely been confined to this country; and this he was disposed to the more knowing the great inconvenience it would occasion to the Irish Members if called on to give their attendance till after the Assizes in that country. So that he should propose that the Bill be now brought up, that it be read a second time before the holidays, and that the Committee be fixed for some day after the recess, when there should have been an opportunity afforded to Gentlemen in Ireland, of fully considering the subject. He should now shortly state the provisions of the Bill, namely, to

continue the provisions of the former Bill, and to extend them to Ireland, so as to render the law alike in both countries, and to introduce clauses which should go to protect payments made by parties into Court; payments made to parties out of Court; and payments made in discharge of all and every manner of proceeding at law in the nature of distress. He had examined and had not been able to find any actions where tenders had been made, brought since the passing of the last Act, beyond the number of three. One of these was an action of Replevin, tried before Lord Ellenborough, in which, as the law stood, the plaintiff fell to have a verdict. Another was an action for the small sum of 45*l.* brought by Lord King against one of his tenants, for the purpose, he had no doubt, of trying the point. There the money was offered to be paid into Court; a notice was given that it would not be received: it was, however, paid in, and the proceedings had been stayed. The third was also an action for a small sum, which was paid into Court, and no proceedings afterwards took place. The Bill which he was now to move for leave to continue, it appeared, therefore, had been no impediment to an action for money; and he hardly supposed it would be now urged that there was in this Country that great disposition to resist the measure which Gentlemen had last year stated did exist. He was, of course, confirmed in the opinion he had expressed when the matter was last before the House, that hostility to the measure was not a sentiment generally prevalent in the country, and that there were but few who would be inclined to follow the example of the Noble Lord (King). It might be said, if the evil was of so very limited an extent, there was no need of a remedy. In this he could not concur; for if men once found that they could, by oppression against their neighbours, promote their own advantage, there were, he was afraid, many who, if not restrained by law, would not scruple to do so; but the rarity of the attempt to commit an evil afforded consolation when a remedy was sought to be provided against it: and the present measure was only giving security to that species of payment which the great body of the people were willing to receive. He concluded

by moving for leave to bring in a Bill for continuing, for a time to be limited, with the Amendments, the Act of last Session relating to Bank of England Notes, and for extending the same to Ireland.

LORD FOLKESTONE could not, even in that early stage of the business, forbear expressing his astonishment at the flippant manner of the Right Honourable Gentleman, while he proposed to the House a matter of so much importance as the present—a measure which was nothing short of proposing that Bank Paper should become a legal tender. He should object to the measure merely if it went to continue the Bill of last Session as it at present stood; but he could not forbear expressing his astonishment, that the Right Honourable Gentleman should have come forward with the present proposition, recollecting, as he must do, that he agreed last year, when the Bill was proposed for a limited time, that he would not propose any renewal of it, till once an examination into the subject had taken place. What the Right Honourable Gentleman was proposing to-night, however, and that too without any previous examination, was nothing less than that Bank of England Notes should be made a legal tender. [Mr. Perceval said No.]—The Noble Lord said, this, unquestionably, was the effect of what was now proposed, for the moment an action was brought, that moment did Bank Notes become a legal tender, if the proposition of the Right Hon. Gentleman was agreed to. A Noble Lord opposite (Castlereagh) had presented a Petition, praying that the provisions of this Bill should be extended to Ireland. The Noble Lord, however, when the matter was last year before the House, did not think it necessary that the measure should be extended to Ireland, stating that the buying and selling of guineas was quite a trade there. When the House now saw a Petition from a number of persons, praying that the Bill should be extended to Ireland, where, it was admitted, it would make a difference of about 20 per cent. in the rates of payment, did it not become the House to inquire who were these Petitioners? Were they landlords or tenants? Were they creditors or debtors?

(To be continued.)